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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,374	07/01/2003	Ki Rin Sung	DE-1489	3709
7590	12/12/2005		EXAMINER	
David A. Einhom, Esq. Anderson Kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020			HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/612,374	SUNG, KI RIN	
	Examiner	Art Unit	
	Noah C. Hawk	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10/17/05.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art in view of Roberts. In the Background of the Invention, the applicant discloses a pan holder (page 1, line 19), surrounded by an insulating wall (page 2, line 3), using 2 brackets per cover (page 3, lines 9-11), the cover having two opposite sides (see Figure 1), a pair of first hinge axles (26a) and a pair of second hinge axles (26b) wherein the pair of first hinge axles are closer to a center portion of each of the covers than the pair of second hinge axles (best seen in Figure 1) and each pair of the first and second hinge axles has two opposite end portions, one of the end portions of the first and the second hinge axles being slidably engaged with two brackets (best seen in Figure 2). The applicant's disclosed prior art does not disclose a pair of plates or the use of holes in the cover to receive the hinge axles. Roberts discloses a reinforcing plate (38) mounted on the inside of a cover (106) with a hinge and further having receiving holes in the cover (120) such that a second end of a hinge axle is fixedly inserted into the opening of the plate and the opening in the cover. It would be obvious to one of ordinary skill in the art at the time of invention to add a plate as disclosed by

Roberts to the hinge assembly of the prior art in order to reinforce the area around the hinge assembly, and further to do so in two places in the case where there are two hinges per cover assembly.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Roberts as applied to claim 1 above. The disclosed prior art teaches an upper case (30) and a lower case (10) with a rivet screw. Roberts teaches a reinforcing plate (38) mounted on the inside of a cover (106) with a hinge. Neither the disclosed prior art nor Roberts shows at least one burring tap. It is well known in the art that rivet screw couplings and tapped holes are equivalent fastening alternatives. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the prior art and Roberts by substituting the rivet screw couplings with a tapped hole in order to ease manufacture of the part and provide a more secure connection.

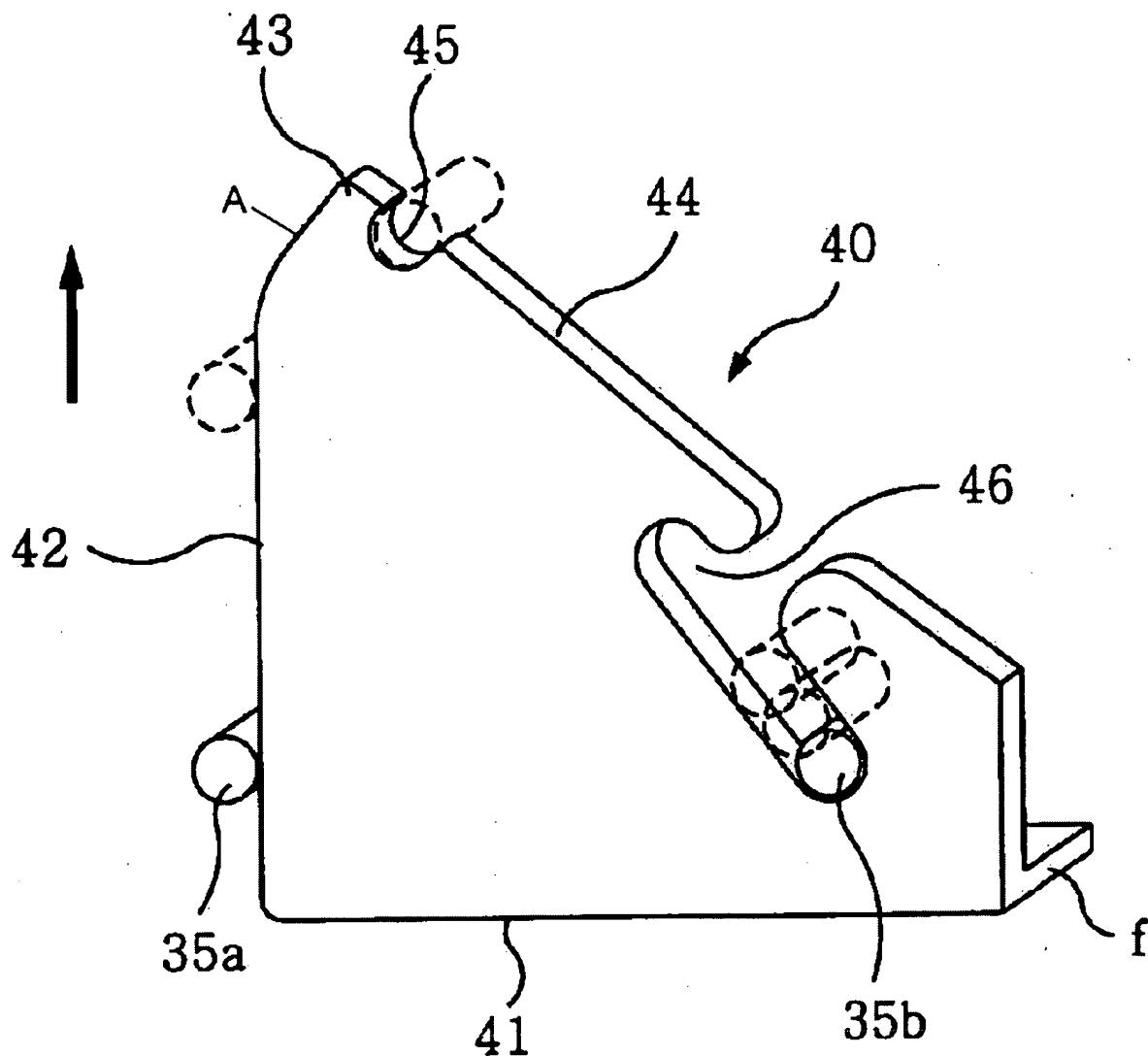
4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Roberts as applied to claim 1 above, and further in view of Miller. The disclosed prior art, modified by Roberts, does not show the bottom surface of each cover as being a reflective surface. Miller teaches a reflective bottom surface (27a) on covers above containers of food (see lines 20-23, page 2, column 2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the disclosed prior art and Roberts to include reflective surfaces on

the bottom of each cover as taught by Miller in order to see the contents of the pans more easily.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Roberts as applied to claim 2 above, and further in view of Miller. The disclosed prior art, modified by Roberts, does not show the bottom surface of each cover as being a reflective surface. Miller teaches a reflective bottom surface (27a) on covers above containers of food (see lines 20-23, page 2, column 2). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the disclosed prior art and Roberts to include reflective surfaces on the bottom of each cover as taught by Miller in order to see the contents of the pans more easily.

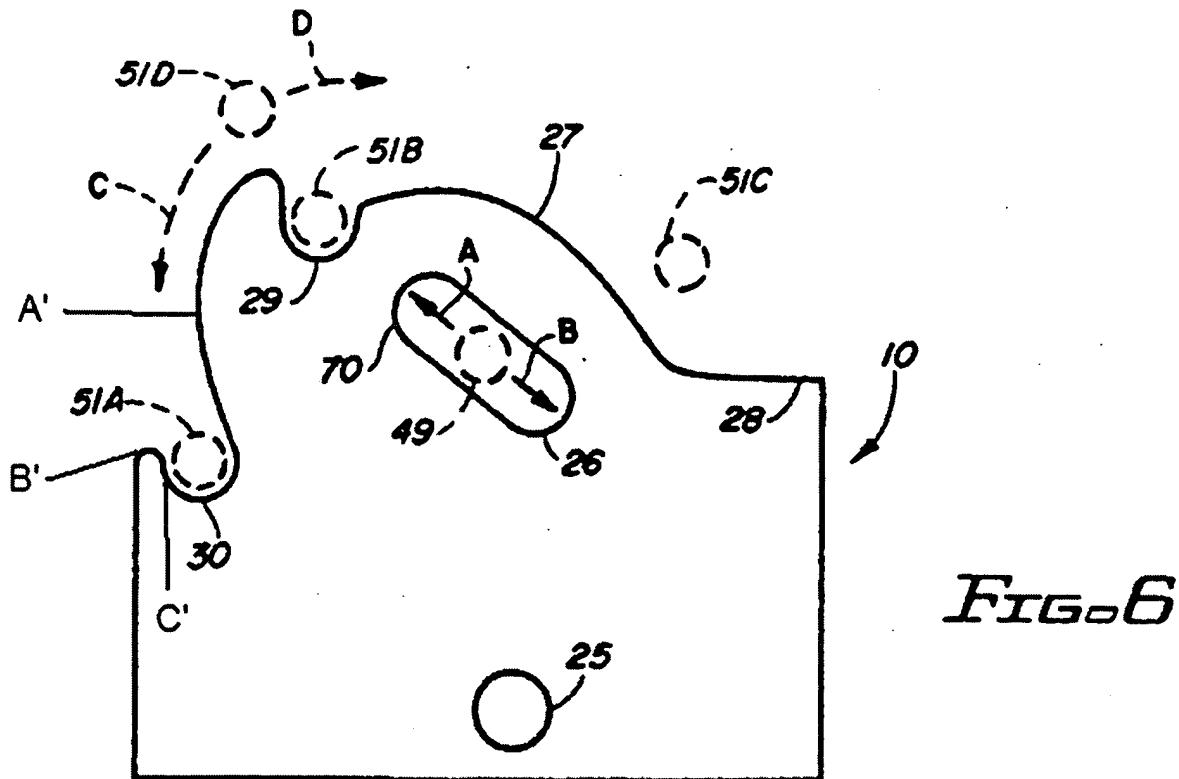
6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art in view of Miller. In the Background of the Invention, the applicant discloses a pan holder (page 1, line 19), surrounded by an insulated wall (page 2, line 3), using 2 brackets per cover (page 3, lines 9-11), which have a slanted guiding surface (Fig 2; A) for guiding a first hinge axle, the cover having two opposite sides (see Figure 1), a pair of first hinge axles (Fig 1, #26a), and a pair of second hinge axles (Fig 1, #26b) wherein the pair of first hinge axles are closer to a center portion of each of the covers than the pair of second hinge axles (best seen in Figure 2). The disclosed prior art does not teach an insulating wall with a flat top surface. Miller

discloses an insulating wall (11c) with a flat top surface (best seen in Miller, Figure 4). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of the disclosed prior art by using an insulating wall with a flat top surface as taught by Miller in order to prevent food items from rolling or sliding off the top of the wall when the device is used.



Applicant's Disclosed Prior Art, Figure 2

7. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art in view of Miller as applied to claim 6 above, and further in view of Canfield. The disclosed prior art in view of Miller does not teach a curved guide surface, a guide opening parallel to the top surface of the insulated wall, a support portion at a lowest portion of the guide surface, or a front protrusion opposite the guide surface. Canfield teaches providing a bracket (10) with a curved guide surface (A'), a guide opening (26) for guiding one of the hinge axles that can be mounted to extend parallel to the top surface of the insulated wall (see Canfield, Column 3, line 47-50. The phrase "to pivotally connect end... to hinge member" teaches that the hinge member can be mounted in any orientation, therefore, this Canfield teaches a bracket that, when properly mounted, provides a guide opening extended parallel with the top surface of the insulated wall), a support portion (30) which is disposed at the lowest portion of the guide surface and a front protrusion (B') connected to the support portion and opposite to the guide surface. It would have been obvious at the time of invention to one skilled in the art to modify the device of the disclosed prior art in view of Miller to use the bracket as disclosed by Canfield in order to improve the ease of opening the cover.



*Canfield, Figure 6*

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art in view of Miller and Canfield as applied to claim 10 above and further in view of Shimizu et al. Canfield teaches providing a bracket (10, best seen in Figure 6) with a front protrusion (B') provided with a slant surface (C') and formed on a side of the front protrusion facing the guide surface (A'). Neither the disclosed prior art nor Canfield discloses an impact absorbing material. Shimizu et al. teach adding an impact absorbing coating (3) to a body (1) for the purpose of alleviating shock. It would have been obvious to one of ordinary skill in the art at the time of invention modify the

device of the disclosed prior art in view of Miller and Canfield by adding an impact absorbing surface as disclosed by Shimizu et al. to the bracket in order to protect the bracket and hinge members from damage upon accidental collision.

***Response to Arguments***

9. Applicant's arguments filed 10/17/05 have been fully considered but they are not persuasive.
10. In response to applicant's argument that the disclosed prior art does not disclose the claimed arrangement, please see above rejections as currently presented.
11. In response to the applicant's argument that Roberts '681 discloses a complex structure not used in the claimed invention, Roberts '681 teaches the reinforcement of a cover at a hinge assembly with a plate, as well as providing for hinge elements to be attached to the cover and plate through holes in both. Though the reinforcing plate of Roberts does not ~~does not~~ receive a hinge axle, the effect is that the plate reinforces the cover member at the hinge assembly (see Roberts, Column 2, lines 65-69: "it is an object of the present invention to provide an arrangement ... which affords a relatively high strength mounting"). It would be obvious to use a plate at a hinge assembly to reinforce the area and to receive the load bearing elements of the assembly, be they hinge sockets or hinge pins. LM
12. In response to the applicant's argument that Canfield does not teach a slanted guide surface, please see above rejections. Canfield teaches a pivotally mountable

bracket (see Canfield, Column 3, Lines 47-50: "to pivotally connect end... to hinge member") which, when mounted properly, will provide a slanted guide surface.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12/6/05

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